

ROBSON FLOOR AMENDMENT  
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2042  
(Reference to the ENVIRONMENT Committee amendment)

Page 5, line 2, after the period insert "A PERSON WHO IS EMPLOYED BY A CHARTER SCHOOL AND WHO IS CONVICTED OF ANY APPEALABLE OR NONAPPEALABLE OFFENSE LISTED IN SECTION 41-1758.03, SUBSECTION B OR IS CONVICTED OF ANY APPEALABLE OR NONAPPEALABLE OFFENSE THAT AMOUNTS TO UNPROFESSIONAL CONDUCT UNDER SECTION 15-550 SHALL IMMEDIATELY DO ALL OF THE FOLLOWING:

(a) SURRENDER ANY CERTIFICATES ISSUED BY THE DEPARTMENT OF EDUCATION.

(b) NOTIFY THE PERSON'S EMPLOYER OR POTENTIAL EMPLOYER OF THE CONVICTION.

(c) NOTIFY THE DEPARTMENT OF PUBLIC SAFETY OF THE CONVICTION.

(d) SURRENDER THE PERSON'S FINGERPRINT CLEARANCE CARD."

Page 10, between lines 8 and 9, insert:

"Sec. 2. Section 15-203, Arizona Revised Statutes, is amended to read:

15-203. Powers and duties

A. The state board of education shall:

1. Exercise general supervision over and regulate the conduct of the public school system and adopt any rules and policies it deems necessary to accomplish this purpose.

2. Keep a record of its proceedings.

3. Make rules for its own government.

4. Determine the policy and work undertaken by it.

5. Appoint its employees, on the recommendation of the superintendent of public instruction.

6. Prescribe the duties of its employees if not prescribed by statute.

1           7. Delegate to the superintendent of public instruction the execution  
2 of board policies and rules.

3           8. Recommend to the legislature changes or additions to the statutes  
4 pertaining to schools.

5           9. Prepare, publish and distribute reports concerning the educational  
6 welfare of this state.

7           10. Prepare a budget for expenditures necessary for proper maintenance  
8 of the board and accomplishment of its purposes and present the budget to the  
9 legislature.

10          11. Aid in the enforcement of laws relating to schools.

11          12. Prescribe a minimum course of study in the common schools, minimum  
12 competency requirements for the promotion of pupils from the third grade and  
13 minimum course of study and competency requirements for the promotion of  
14 pupils from the eighth grade. The state board of education shall prepare a  
15 fiscal impact statement of any proposed changes to the minimum course of  
16 study or competency requirements and, on completion, shall send a copy to the  
17 director of the joint legislative budget committee and the executive director  
18 of the school facilities board. The state board of education shall not adopt  
19 any changes in the minimum course of study or competency requirements in  
20 effect on July 1, 1998 that will have a fiscal impact on school capital  
21 costs.

22          13. Prescribe minimum course of study and competency requirements for  
23 the graduation of pupils from high school. The state board of education  
24 shall prepare a fiscal impact statement of any proposed changes to the  
25 minimum course of study or competency requirements and, on completion, shall  
26 send a copy to the director of the joint legislative budget committee and the  
27 executive director of the school facilities board. The state board of  
28 education shall not adopt any changes in the minimum course of study or  
29 competency requirements in effect on July 1, 1998 that will have a fiscal  
30 impact on school capital costs.

31          14. Supervise and control the certification of persons engaged in  
32 instructional work directly as any classroom, laboratory or other teacher or

1 indirectly as a supervisory teacher, speech therapist, principal or  
2 superintendent in a school district, including school district preschool  
3 programs, or any other educational institution below the community college,  
4 college or university level, and prescribe rules for certification, including  
5 rules for certification of teachers who have teaching experience and who are  
6 trained in other states, which are not unnecessarily restrictive and are  
7 substantially similar to the rules prescribed for the certification of  
8 teachers trained in this state. The rules shall require applicants for all  
9 certificates for common school instruction to complete a minimum of  
10 forty-five classroom hours or three college level credit hours, or the  
11 equivalent, of training in research based systematic phonics instruction from  
12 a public or private provider. The rules shall not require a teacher to  
13 obtain a master's degree or to take any additional graduate courses as a  
14 condition of certification or recertification. The rules shall allow a  
15 general equivalency diploma to be substituted for a high school diploma in  
16 the certification of emergency substitute teachers.

17 15. Adopt a list of approved tests for determining special education  
18 assistance to gifted pupils as defined in and as provided in chapter 7,  
19 article 4.1 of this title. The adopted tests shall provide separate scores  
20 for quantitative reasoning, verbal reasoning and nonverbal reasoning and  
21 shall be capable of providing reliable and valid scores at the highest ranges  
22 of the score distribution.

23 16. Adopt rules governing the methods for the administration of all  
24 proficiency examinations.

25 17. Adopt proficiency examinations for its use. The state board of  
26 education shall determine the passing score for the proficiency examination.

27 18. Include within its budget the cost of contracting for the purchase,  
28 distribution and scoring of the examinations as provided in paragraphs 16 and  
29 17 of this subsection.

30 19. Supervise and control the qualifications of professional  
31 nonteaching school personnel and prescribe standards relating to  
32 qualifications.

1           20. Impose such disciplinary action, including the issuance of a letter  
2 of censure, suspension, suspension with conditions or revocation of a  
3 certificate, upon a finding of immoral or unprofessional conduct.

4           21. Establish an assessment, data gathering and reporting system for  
5 pupil performance as prescribed in chapter 7, article 3 of this title.

6           22. Adopt a rule to promote braille literacy pursuant to section  
7 15-214.

8           23. Adopt rules prescribing procedures for the investigation by the  
9 department of education of every written complaint alleging that a  
10 certificated person has engaged in immoral conduct.

11           24. For purposes of federal law, serve as the state board for  
12 vocational and technological education and meet at least four times each year  
13 solely to execute the powers and duties of the state board for vocational and  
14 technological education.

15           25. Develop and maintain a handbook for use in the schools of this  
16 state that provides guidance for the teaching of moral, civic and ethical  
17 education. The handbook shall promote existing curriculum frameworks and  
18 shall encourage school districts to recognize moral, civic and ethical values  
19 within instructional and programmatic educational development programs for  
20 the general purpose of instilling character and ethical principles in pupils  
21 in kindergarten programs and grades one through twelve.

22           26. Require pupils to recite the following passage from the declaration  
23 of independence for pupils in grades four through six at the commencement of  
24 the first class of the day in the schools, except that a pupil shall not be  
25 required to participate if the pupil or the pupil's parent or guardian  
26 objects:

27                 We hold these truths to be self-evident, that all men are  
28 created equal, that they are endowed by their creator with  
29 certain unalienable rights, that among these are life, liberty  
30 and the pursuit of happiness. That to secure these rights,  
31 governments are instituted among men, deriving their just powers  
32 from the consent of the governed. . . .

1           27. Adopt rules that provide for teacher certification reciprocity.  
2           The rules shall provide for a one year reciprocal teaching certificate with  
3           minimum requirements including valid teacher certification from a state with  
4           substantially similar criminal history or teacher fingerprinting requirements  
5           and proof of the submission of an application for a fingerprint clearance  
6           card pursuant to title 41, chapter 12, article 3.1.

7           28. Adopt rules that will be in effect until December 31, 2006 and that  
8           provide for the presentation of an honorary high school diploma to a person  
9           who has never obtained a high school diploma and who meets each of the  
10          following requirements:

11           (a) Is at least sixty-five years of age.

12           (b) Currently resides in this state.

13           (c) Provides documented evidence from the Arizona department of  
14           veterans' services that the person enlisted in the armed forces of the United  
15           States before completing high school in a public or private school.

16           (d) Was honorably discharged from service with the armed forces of the  
17           United States.

18          29. Cooperate with the Arizona-Mexico commission in the governor's  
19          office and with researchers at universities in this state to collect data and  
20          conduct projects in the United States and Mexico on issues that are within  
21          the scope of the duties of the department of education and that relate to  
22          quality of life, trade and economic development in this state in a manner  
23          that will help the Arizona-Mexico commission to assess and enhance the  
24          economic competitiveness of this state and of the Arizona-Mexico region.

25          30. Adopt rules to define and provide guidance to schools as to the  
26          activities that would constitute immoral or unprofessional conduct of  
27          certificated persons.

28          31. Adopt guidelines to encourage pupils in grades nine, ten, eleven  
29          and twelve to volunteer for twenty hours of community service before  
30          graduation from high school. A school district that complies with the  
31          guidelines adopted pursuant to this paragraph is not liable for damages  
32          resulting from a pupil's participation in community service unless the school

1 district is found to have demonstrated wanton or reckless disregard for the  
2 safety of the pupil and other participants in community service. For the  
3 purposes of this paragraph, "community service" may include service learning.  
4 The guidelines shall include the following:

5 (a) A list of the general categories in which community service may be  
6 performed.

7 (b) A description of the methods by which community service will be  
8 monitored.

9 (c) A consideration of risk assessment for community service projects.

10 (d) Orientation and notification procedures of community service  
11 opportunities for pupils entering grade nine including the development of a  
12 notification form. The notification form shall be signed by the pupil and  
13 the pupil's parent or guardian, except that a pupil shall not be required to  
14 participate in community service if the parent or guardian notifies the  
15 principal of the pupil's school in writing that the parent or guardian does  
16 not wish the pupil to participate in community service.

17 (e) Procedures for a pupil in grade nine to prepare a written proposal  
18 that outlines the type of community service that the pupil would like to  
19 perform and the goals that the pupil hopes to achieve as a result of  
20 community service. The pupil's written proposal shall be reviewed by a  
21 faculty advisor, a guidance counselor or any other school employee who is  
22 designated as the community service program coordinator for that school. The  
23 pupil may alter the written proposal at any time before performing community  
24 service.

25 (f) Procedures for a faculty advisor, a guidance counselor or any  
26 other school employee who is designated as the community service program  
27 coordinator to evaluate and certify the completion of community service  
28 performed by pupils.

29 32. To facilitate the transfer of military personnel and their  
30 dependents to and from the public schools of this state, pursue, in  
31 cooperation with the Arizona board of regents, reciprocity agreements with  
32 other states concerning the transfer credits for military personnel and their

1 dependents. A reciprocity agreement entered into pursuant to this paragraph  
2 shall:

3 (a) Address procedures for each of the following:

4 (i) The transfer of student records.

5 (ii) Awarding credit for completed course work.

6 (iii) Permitting a student to satisfy the graduation requirements  
7 prescribed in section 15-701.01 through the successful performance on  
8 comparable exit-level assessment instruments administered in another state.

9 (b) Include appropriate criteria developed by the state board of  
10 education and the Arizona board of regents.

11 33. Adopt guidelines that school district governing boards shall use in  
12 identifying pupils who are eligible for gifted programs and in providing  
13 gifted education programs and services. The state board of education shall  
14 adopt any other guidelines and rules that it deems necessary in order to  
15 carry out the purposes of chapter 7, article 4.1 of this title.

16 34. ADOPT RULES TO PROHIBIT A PERSON WHO VIOLATES THE NOTIFICATION  
17 REQUIREMENTS, CERTIFICATION SURRENDER REQUIREMENTS OR FINGERPRINT CLEARANCE  
18 CARD SURRENDER REQUIREMENTS PRESCRIBED IN SECTION 15-183, SUBSECTION C,  
19 PARAGRAPH 6 OR SECTION 15-550, SUBSECTION C FROM CERTIFICATION PURSUANT TO  
20 THIS TITLE FOR AT LEAST TEN YEARS AFTER THE DATE OF THE VIOLATION.

21 B. The state board of education may:

22 1. Contract.

23 2. Sue and be sued.

24 3. Distribute and score the tests prescribed in chapter 7, article 3  
25 of this title.

26 4. Provide for an advisory committee to conduct hearings and  
27 screenings to determine whether grounds exist to impose disciplinary action  
28 against a certificated person, whether grounds exist to reinstate a revoked  
29 or surrendered certificate and whether grounds exist to approve or deny an  
30 initial application for certification or a request for renewal of a  
31 certificate. The board may delegate its responsibility to conduct hearings

1 and screenings to its advisory committee. Hearings shall be conducted  
2 pursuant to title 41, chapter 6, article 6.

3 5. Proceed with the disposal of any complaint requesting disciplinary  
4 action or with any disciplinary action against a person holding a certificate  
5 as prescribed in subsection A, paragraph 14 of this section after the  
6 suspension or expiration of the certificate or surrender of the certificate  
7 by the holder.

8 6. Assess costs and reasonable attorney fees against a person who  
9 files a frivolous complaint or who files a complaint in bad faith. Costs  
10 assessed pursuant to this paragraph shall not exceed the expenses incurred by  
11 the state board in the investigation of the complaint."

12 Renumber to conform

13 Page 10, line 32, after the period insert "A PERSON WHO IS EMPLOYED BY A SCHOOL  
14 DISTRICT AND WHO IS CONVICTED OF ANY APPEALABLE OR NONAPPEALABLE OFFENSE  
15 LISTED IN SECTION 41-1758.03, SUBSECTION B OR IS CONVICTED OF ANY APPEALABLE  
16 OR NONAPPEALABLE OFFENSE THAT AMOUNTS TO UNPROFESSIONAL CONDUCT UNDER THIS  
17 SECTION SHALL IMMEDIATELY DO ALL OF THE FOLLOWING:

- 18 1. SURRENDER ANY CERTIFICATES ISSUED BY THE DEPARTMENT OF EDUCATION.
- 19 2. NOTIFY THE PERSON'S EMPLOYER OR POTENTIAL EMPLOYER OF THE  
20 CONVICTION.
- 21 3. NOTIFY THE DEPARTMENT OF PUBLIC SAFETY OF THE CONVICTION.
- 22 4. SURRENDER THE PERSON'S FINGERPRINT CLEARANCE CARD."

23 Page 16, line 1, after the period strike remainder of line

24 Strike lines 2 through 9, insert "THE STATE BOARD OF EDUCATION AND THE STATE  
25 BOARD FOR CHARTER SCHOOLS SHALL PROVIDE THE DEPARTMENT OF PUBLIC SAFETY WITH  
26 A CURRENT LIST OF ELECTRONIC E-MAIL ADDRESSES FOR EACH SCHOOL DISTRICT AND  
27 CHARTER SCHOOL IN THIS STATE AND SHALL PERIODICALLY PROVIDE THE DEPARTMENT OF  
28 PUBLIC SAFETY WITH UPDATED ELECTRONIC E-MAIL ADDRESSES. IF THE DEPARTMENT OF  
29 PUBLIC SAFETY IS NOTIFIED THAT A PERSON WHO IS REQUIRED TO HAVE A FINGERPRINT  
30 CLEARANCE CARD TO BE EMPLOYED BY OR TO ENGAGE IN VOLUNTEER ACTIVITIES AT A  
31 SCHOOL DISTRICT OR CHARTER SCHOOL HAS BEEN ARRESTED OR CONVICTED OF AN  
32 OFFENSE LISTED IN SECTION 41-1758.03, SUBSECTION B OR HAS BEEN ARRESTED OR



1            CONVICTED OF AN OFFENSE THAT AMOUNTS TO UNPROFESSIONAL CONDUCT UNDER SECTION  
2            15-550, THE DEPARTMENT OF PUBLIC SAFETY SHALL NOTIFY EACH SCHOOL DISTRICT AND  
3            CHARTER SCHOOL IN THIS STATE THAT THE PERSON'S FINGERPRINT CLEARANCE CARD HAS  
4            BEEN SUSPENDED OR REVOKED."

5   Amend title to conform

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BOB ROBSON

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